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10 *Attorneys for Plaintiffs*

11 **UNITED STATES DISTRICT COURT FOR**
12 **THE DISTRICT OF NEVADA**

13 KRISTINA PFAFF-HARRIS and FRED
14 G WRIGHT, individually and on behalf
15 of all others similarly situated ,

16 Plaintiffs,

17 v.

18 PROGRESSIVE DIRECT INSURANCE
19 COMPANY and PROGRESSIVE
20 NORTHERN INSURANCE
21 COMPANY, Ohio corporations,

22 Defendants.

23 **Case No.: 2:24-cv-00761-RFB-NJK**

24 **MOTION TO WITHDRAW AS COUNSEL**

COMES NOW, Gregg A. Hubley, Esq. and Christopher A.J. Swift, Esq., on behalf of Nathan L. Nanfelt, Esq., Laura R. Gerber, Esq., Derek W. Loeser, Esq., and Chris N. Ryder, Esq. of the law firm KELLER ROHRBACK L.L.P., hereby moves this Honorable Court for an Order allowing the law firm KELLER ROHRBACK L.L.P. to withdraw as attorneys of record for Plaintiffs Kristina Pfaff-Harris and Fred G. Wright (“Plaintiffs”).

This Motion is made and based upon the following Memorandum of Points and Authorities, and the Declaration of Nathan L. Nanfelt, attached hereto.

MEMORANDUM OF POINTS AND AUTHORITIES

1. This lawsuit was filed on April 19, 2024. Dkt. 1.
2. The lawsuit lists Nathan L. Nanfelt, Laura R. Gerber, Derek W. Loeser, and Chris N. Ryder of KELLER ROHRBACK L.L.P., (collectively, “the Keller Rohrbach attorneys”) as attorneys of record on the complaint.
3. Listing the Keller Rohrbach attorneys as counsel for Plaintiffs in this lawsuit was error, because the Keller Rohrbach attorneys do not and have never represented Plaintiffs in this matter.
4. The Keller Rohrbach attorneys were not notified that the complaint lists them as counsel of record at the time the lawsuit was filed.
5. The Keller Rohrbach attorneys first became aware that they are listed as counsel of record on April 25, 2024, when they received copy by mail of an April 23, 2024 Notice to Counsel Pursuant to Local Rule IA 11-2.
6. Nevada Supreme Court Rule (“SCR”) 46 provides that an attorney may withdraw “at any time before judgment or final determination ... upon the order of the court or judge thereof on the application of the attorney...” Pursuant to SCR 166, an attorney may be permitted to withdraw if withdrawal can be accomplished without adversely affecting the interests of the client, or if good cause exists for terminating the representation.
7. Local Rule IA 11-6(a) allows for an attorney to withdraw with leave of court after notice of the intent to withdraw is served. Plaintiffs’ Counsel, Carney Bates & Pulliam PLLC, has notified Plaintiffs that KELLER ROHRBACK L.L.P. is seeking withdrawal.

1 8. Local Rule IA 11-6(e) provides that, except for good cause, withdrawal will not
2 be granted if a delay in discovery, the trial or any hearing will result.

3 9. Here, withdrawal should be permitted as there will be no delay, as the matter is
4 in its inception and the Complaint has not been served. Plaintiffs are in agreement that Nathan L.
5 Nanfelt, Laura R. Gerber, Derek W. Loeser, and Chris N. Ryder of KELLER ROHRBACK
6 L.L.P. should withdraw from this case.

7 10. The attached Declaration of Nathan L. Nanfelt is incorporated herein by
8 reference and establishes that good cause exists for the withdrawal of KELLER ROHRBACK
9 L.L.P., as counsel of record for Plaintiffs, that withdrawal can be accomplished without adversely
10 affecting the interest of the clients.

11 11. Pursuant to Local Rule IA 11-6(b), a copy of this motion has been served on the
12 Plaintiffs via e-mail, as well as via the Court's CM/ECF system to all parties and counsel as
13 identified on the Court-generated Notice of Electronic Filing.

14
15 WHEREFORE, the undersigned respectfully requests that this Court enter an Order
16 approving the withdrawal of Nathan L. Nanfelt, Laura R. Gerber, Derek W. Loeser, and Chris N.
17 Ryder of KELLER ROHRBACK L.L.P., as attorneys of record for Plaintiffs Kristina Pfaff-
18 Harris and Fred G. Wright in this matter and be removed from the CM/ECF notification list for
19 this matter.

20
21 DATED this 7th day of May 2024.

22 Respectfully submitted,

23 By: /s/ Gregg. A. Hubley

24 GREGG A. HUBLEY, ESQ., NBN 7386

25 CHRISTOPHER A.J. SWIFT, ESQ., NBN 11291

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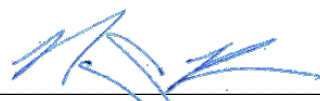
E-mail: christopher@aswtlawyers.com

ORDER

IT IS THEREFORE ORDERED that Nathan L. Nanfelt, Laura R. Gerber, Derek W. Loeser, and Chris N. Ryder of KELLER ROHRBACK L.L.P. be allowed to withdraw as Counsel of record, for Plaintiffs Kristina Pfaff-Harris and Fred G. Wright.

IT IS SO ORDERED.

Dated: May 8, 2024



United States Magistrate Judge

**DECLARATION OF NATHAN L. NANFELT IN SUPPORT OF MOTION TO
WITHDRAW AS COUNSEL**

I, NATHAN L. NANFELT, declare under penalty of perjury under the laws of the United States, as follows:

1. I am an attorney licensed to practice law in the State of Washington and am an attorney at the law firm of KELLER ROHRBACK L.L.P. The facts set forth in this declaration are known to me personally, or are based upon my information and belief, and if called to do so, I would competently testify under oath regarding the same.

2. I make this declaration in support of my KELLER ROHRBACK L.L.P.'s motion to withdraw as counsel of record and removal from CM/ECF service list for Plaintiffs.

3. This lawsuit was filed on April 19, 2024.

4. The lawsuit lists myself, Laura R. Gerber, Derek W. Loeser, and Chris N. Ryder of KELLER ROHRBACK L.L.P., (collectively, "the Keller Rohrback attorneys") as attorneys of record on the complaint.

5. Listing myself and my colleagues as counsel in this lawsuit was error, because we do not and have never represented Plaintiffs in this matter.

6. My colleagues and I were not notified that the complaint lists us as counsel of record at the time the lawsuit was filed.

7. My colleagues and I first became aware that we are listed as counsel of record on April 25, 2024, when we received copy by post mail of an April 23, 2024 Notice to Counsel Pursuant to Local Rule IA 11-2.

8. KELLER ROHRBACK L.L.P. has not been retained by Plaintiffs to represent them in the above-captioned matter.

9. Since this matter is in its inception and the Complaint has not been served, there will be no delay by permitting withdrawal.

10. Further, permitting withdrawal will not adversely affect the interest of the clients as the law firms of ARIAS SANGUINETTI WANG & TEAM LLP, SHAMIS & GENTILE,

1 P.A., EDELSBERG LAW, P.A., CARNEY BATES & PULLIAM, PLLC, NORMAND PLLC,
2 and JACOBSON PHILLIPS PLLC are not seeking withdrawal as counsel of record in this matter.

3 11. Accordingly, by this motion, I respectfully request the withdrawal of KELLER
4 ROHRBACK L.L.P. as counsel of record. This Motion is brought in good faith and not for
5 purposes of any delay.

6 I declare under penalty of perjury under the laws of the State of Nevada that the foregoing
7 is true and correct.

8 DATED this 7th day of May 2024.

9
10 By: /s/Nathan L. Nanfelt
Nathan L. Nanfelt